



ARIZONA STATE SENATE
Fifty-Third Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2216

prohibited firearm tracking; classification

Purpose

Codifies that act of unlawfully requiring a person to use or subject themselves to electronic firearm tracking technology.

Background

In 2002, New Jersey enacted legislation prohibiting the sale of all handguns by a manufacturer, wholesaler, retailer or dealer unless the handgun is a personalized handgun or an antique. The law defines a personalized handgun as that which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. The law stipulates that the measure must take effect three years after such a mechanism becomes readily available in the state (N.J.S. § § 2C:58-2.1, 2C:58-2.4, 2C:58-2.5).

The technology that is used in the manufacture of personalized handguns is often referred to as smart gun technology. Generally, the unauthorized use of a firearm is prevented through the use of fingerprint recognition, remote control, magnetic encoding or Radio Frequency Identification (R.F.I.D.). In the case of R.F.I.D.-enabled smart guns, the owner or authorized user typically wears a ring or bracelet that enables the use of a particular firearm when in close proximity. Other aspects of smart gun technology may also enable mapping the location of firearms registered in a tracking network, as well as logging information regarding the use of a registered firearm. Some law enforcement agencies have tested the use of this, but have not yet adopted the practice as the technology is still developing.

The presumptive imprisonment sentence for a Class 6 felony is a minimum of one year or a maximum of three years and nine months, depending on if the person has committed one or multiple repeat offenses. A person charged with a felony may also be fined for an amount not in excess of \$150,000 (A.R.S. § § [13-703](#), [13-801](#)).

Pawnbrokers are currently required by law to make a true, complete and accurate report of each article received through a reportable transaction every day. The report must be delivered to the Sheriff or the Sheriff's designee within two business day ([A.R.S. § 44-1625](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that requiring a person to use, subject themselves to or disclose information related to a person or the person's firearm for the use of electronic firearms tracking technology is unlawful.
2. States that a person found in violation of requirements relating to electronic firearm tracking technology is guilty of a Class 6 felony.
3. Stipulates that it is not unlawful for a criminal justice employee in possession of a search warrant to require a person to use or be subjected to electronic firearms tracking technology.
4. Stipulates that it is not unlawful for a parole, probation or surveillance officer to use electronic firearm tracking technology in the execution of official duties.
5. Stipulates that a pawnbroker, pawnshop employee, second hand dealer or an auction house is required to report to the Sheriff pursuant to statute is not prohibited from requiring a person to disclose information about their firearm.
6. Stipulates that an owner of a firearm may consent to the use of electronic firearm tracking technology in writing.
7. Defines *electronic firearm tracking technology* as a platform, system or device or a group of systems or devices that uses a shared ledger, distributed ledger or block chain technology or any other similar form of technology or electronic database for the purpose of storing information in a decentralized or centralized way, that is not owned or controlled by any single person or entity and that is used to locate or control the use of a firearm.
8. Stipulates that electronic firearm tracking technology does not include any law enforcement database, or any similar informational or tracking system that processes firearms that have been stolen, lost, found, stored or are considered evidentiary.
9. Defines *criminal justice employee* as a peace officer, a prosecutor, or any employee of a law enforcement agency who in the execution of official duties is authorized to use electronic firearm tracking technology, or obtain identifiable information about a person or their firearm in order to use electronic firearm tracking technology.
10. Becomes effective on the general effective date.

Amendments Adopted in Committee

1. Specifies that a criminal justice employee, rather than a law enforcement officer, with a search warrant is not prohibited from using electronic firearm tracking technology.
2. Defines a criminal justice employee for the purposes of the bill.

3. Specifies that a pawnbroker or another similar entity is not prohibited from using electronic firearm tracking technology for the purposes of reporting information to the Sheriff.

Amendments Adopted by Committee of the Whole

1. Stipulates that a law enforcement database or similar system that tracks lost or stolen firearms is not considered electronic firearm tracking technology, thereby exempting such a database or system from the underlying prohibition.
2. Stipulates that a parole, probation or surveillance officer is also not prohibited from using electronic firearm tracking technology.
3. Makes technical changes.

House Action

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3rd Read 2/6/17 34-25-1

Senate Action

GOV 3/15/17 DPA 4-3-0

Prepared by Senate Research

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